

\* \* \*

Case No. 2:24-cv-00617-JAD-BNW

## ORDER

Sheriff Kevin McMahill, et al.,

Plaintiff filed two motions regarding the service of summonses on Defendants Gutierrez, Lomaglio, and Grimmer. ECF Nos. 33 and 35. In summary, he asks for the ability to re-serve these Defendants. Lastly, he asks whether Defendants Chadwick, Vensand, and King can also be served.

This Court will order service on Defendants Gutierrez, Lomaglio, and Grimm, as explained in further detail below. Plaintiff shall have until **August 25, 2025** to serve these Defendants.

Lastly, this Court will first have to screen Plaintiff's third amended complaint to determine whether service on Defendants Chadwick, Vensand, and King will be necessary.

**IT IS THEREFORE ORDERED** that Plaintiff's motions (ECF Nos. 33 and 35) are **GRANTED in part and DENIED in part.**

**IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to deliver the summonses (ECF No. 23) and 3 copies of the second amended complaint filed (ECF No. 20) to the United States Marshals Service for service.

**IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff 3 copies of Form USM-285.

**IT IS FURTHER ORDERED** that Plaintiff must complete a USM-285 form for Defendants Gutierrez, Lomaglio, and Grimmer and provide an address where each Defendant can be served with process. Once completed, **Plaintiff must provide the completed USM-285**

1 **forms to the U.S. Marshals Service.** Plaintiff shall have until **July 18, 2025**, to furnish the U.S.  
2 Marshals Service with the required form.

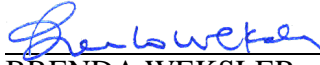
3 **IT IS FURTHER ORDERED** that upon receipt of the issued summonses, the USM-285  
4 forms, and the copies of the operative complaint—and pursuant to Federal Rule of Civil  
5 Procedure 4(c)(3)—the U.S. Marshals Service shall attempt service upon the Defendants.

6 **IT IS FURTHER ORDERED** that, within twenty-one days after receiving from the U.S.  
7 Marshals Service a copy of the form USM-285 showing whether service has been accomplished,  
8 Plaintiff must file a notice with the Court identifying whether the Defendants were served. If  
9 Plaintiff wishes to have service again attempted on a Defendant, he must file a motion with the  
10 Court identifying the Defendant and specifying a more detailed name and/or address for that  
11 Defendant or whether some other manner of service should be attempted.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have until **August 25, 2025**, to  
13 accomplish service on Defendants under Federal Rule of Civil Procedure 4(m).

14 **IT IS FURTHER ORDERED** that from this point forward, Plaintiff shall serve upon the  
15 Defendants, or, if appearance has been entered by counsel, upon the attorney(s), a copy of every  
16 pleading, motion, or other document submitted for consideration by the Court. Plaintiff shall  
17 include with the original papers submitted for filing a certificate stating the date that a true and  
18 correct copy of the document was mailed to Defendants or counsel for Defendants. The Court  
19 may disregard any paper received by a district judge or magistrate judge that has not been filed  
20 with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk that fails  
21 to include a certificate of service.

22  
23 DATED: June 23, 2025

24   
25 BREND A WEKSLER  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28